IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3732 OF 2005

Noorjahan Mohammed Shaikh & Ors. ...Applicants
vs.
The State of Maharashtra ...Respondents

Mr.Abhaykumar Apte for the Applicants
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 21,2005.

P.C.:

1. Heard Counsel appearing for the parties. An offence has been registered against the Applicants under Section 302 read with Section 34 of the Indian Penal Code. The victim is the daughter-in-law of the Applicant No.1 and sister-in-law of the Applicant No.2.

2. The learned Counsel appearing for the Applicants submitted that the charge sheet has been filed and therefore there is no reason why the Applicants who are ladies should be kept in custody. He submitted that there are discrepancies in the dying declarations of the deceased which are relied upon by the prosecution. In the first dying declaration, there is no allegation made against the Applicants and therefore a case is made out for grant of bail.

3. The learned A.P.P. strongly opposed this Application. He submitted that a Fast Track Court is available at Pandharpur and the trial can be expedited.

4. After having considered the submissions made by the learned Counsel for the parties, I find that there is enough material on record to indicate complicity of the Applicants. In the first dying declaration the deceased has stated that she had a complaint against the Applicants. In the second dying declaration the deceased has stated that when she got up from the sleep, she noticed that there was a smell of kerosene on her bed and by that time a burning match stick was thrown on her. She has stated that the Applicants were standing by the side of her bed. On listening hue and cry, the the husband of the deceased came inside the room and extinguished the fire.

5. Considering the grave and serious allegations against the Applicants, this is not a case where the Applicants can be enlarged on bail especially when the trial can be sent to the Fast Track Court for expeditious disposal.

6. Hence, the Application is rejected. The learned Sessions Judge, Solapur is directed to entrust the trial to the Fast Track Court, if available at Pandharpur for ensuring expeditious conclusion of the trial. If the Fast Track Court is available, the concerned Court is expected to conclude the trial by 31st January 2006.

7. Parties and the concerned Court to act upon an authenticated copy of this order.

JUDGE